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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
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12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 ORDER

15 UNITED STATES OF AMERICA,

16 Case No. 2:19-mj-192-VCF

17 Plaintiff,

18 ~~STIPULATION TO CONTINUE~~

19 v.

20 ~~BENCH TRIAL~~

21 AVINASH KUMAR,

22 (Third Request)

23 Defendant.

24 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
25 Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney, counsel  
26 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Robert  
O'Brien, Assistant Federal Public Defender, counsel for Avinash Kumar, that the bench trial  
currently scheduled on February 5, 2020 at 9:00 AM, be vacated and continued to a date and  
time convenient to the Court, but no sooner than sixty (60) days, excluding May 1-10.

27 This Stipulation is entered into for the following reasons:

28 1. Parties are close to reaching negotiations, but final details are still being  
29 worked out.

30 2. If no negotiation is reached, defendant needs additional time for investigation.

1       3.     Additionally, denial of this request for continuance could result in a  
2 miscarriage of justice. The additional time requested by this Stipulation is excludable in  
3 computing the time within which the trial herein must commence pursuant to the Speedy Trial  
4 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title  
5 18, United States Code § 3161(h)(7)(B)(iv).

6       This is the third request for a continuance of the bench trial.

7       DATED this 3rd day of February, 2020.

8  
9       RENE L. VALLADARES  
10      Federal Public Defender

11      NICHOLAS A. TRUTANICH  
12      United States Attorney

13      By \_\_\_\_\_  
14      /s/ *Robert O'Brien*  
15      ROBERT O'BRIEN  
16      Assistant Federal Public Defender

17      By \_\_\_\_\_  
18      /s/ *Rachel Kent*  
19      RACHEL KENT  
20      Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
AVINASH KUMAR,  
Defendant.

Case No. 2:19-mj-192-VCF

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Parties are close to reaching negotiations, but final details are still being worked out.
2. If no negotiation is reached, defendant needs additional time for investigation.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the third request for a continuance of the bench trial.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

## ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, February 5, 2020, at 9:00 a.m., be vacated and continued to May 20, 2020 at the hour of 9 :00 A.m.

DATED this 7 day of February, 2020.

UNITED STATES MAGISTRATE JUDGE

CAM FERENBACH  
U.S. MAGISTRATE JUDGE